

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RAINE PEASE,

Plaintiff,

-v.-

CITY OF NEW YORK, and DEODAT  
URPRASAD,

Defendants.

19 Civ. 7693 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On August 16, 2019, Plaintiff Raine Pease filed a complaint, *pro se*, against Defendants New York City Police Department (“NYPD”) and Deodat Urprasad alleging employment discrimination on the basis of his race. (Dkt. #1). On August 20, 2019, the Court referred this case to the Court’s Mediation Program. (Dkt. #5). The Court also ordered the Clerk of Court to attempt to locate *pro bono* counsel to represent Plaintiff at the mediation. (*Id.*). By November 25, 2019, more than 90 days from the filing of his complaint, the docket did not reflect any attempts by Plaintiff to serve Defendants, nor did it reflect any attempts by Plaintiff to prosecute his case.

On November 25, 2019, the Court ordered the Clerk of Court to substitute the City of New York for the NYPD (because the NYPD does not have the capacity to be sued, *see* N.Y. City Charter ch. 17 § 396), and the Court granted Plaintiff an extension of time to serve the Defendants. (Dkt. #6). The Court warned Plaintiff that failure to serve the Defendants by December 31, 2019, would result in the dismissal of his case for failure to prosecute. To

date, the docket reflects no attempts by Plaintiff to serve either Defendant, nor does it reflect any action taken by Plaintiff to prosecute this case.

As Plaintiff has not responded to the November 25, 2019 Order, it is hereby ORDERED that the instant action is dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith; therefore, *in forma pauperis* status is denied for purposes of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: January 6, 2020  
New York, New York



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KATHERINE POLK FAILLA  
United States District Judge

*A copy of this Order was mailed by Chambers to:*

Raine Pease  
690 Hungry Harbor Rd.  
Valley Stream, NY 11581